

EDC INTAKE FORM

Date: _____ Staff: _____ Phone #: _____ Case #: _____
 (Please Circle # to be put on papers)

Address: _____ Zip: _____ District #: _____ Residential Hotel: Yes No

LIST ALL INDIVIDUALS WHO ARE HERE, WHO LIVE ON PROPERTY, OR WHO ARE NAMED IN PAPERS:

Name (check against complaint)	Here?	Lives in Unit?	Named in complaint?	Prepare papers?	Relation to all individuals we're preparing papers for & whether dependent/in same household

INCOME AND FAMILY/HOUSEHOLD INFORMATION:

Person's Initials	D.O.B	Income Source (including Food Stamps)	Gross	Net	*Fee Waiver?	If employed and doing fee waiver forms, indicate position, employer, and employer's address

**If gross income is more than amount shown on court chart, fill out page 2 of fee waiver application.*

TOTAL GROSS FAMILY INCOME: \$ _____ NUMBER IN FAMILY/HOUSEHOLD: _____

QUESTIONS ABOUT INDIVIDUALS IN FAMILY/HOUSEHOLD:

Person's Initials	Gender	Race/Ethnicity	Sexual Orient	Marital Status	Imm. Status	English? (yes, no, or some)	<i>Gender:</i> Male: M Female: F Transgender: T <i>Race/Ethnicity:</i> African American: AA Caucasian: C Chinese: CH Filipino: F Japanese: J Korean: K Vietnamese: V Other Asian: OA Samoan: S Other Pacific Islander: OPI Latino: L Native American: NA Russian: R <i>Sexual Orientation:</i> Heterosexual: H Gay/Lesbian: G/L Bisexual: B <i>Marital Status:</i> Never Married: NM Married: M Domestic Partner: DP Divorced: D Widowed: W Separated: Sep <i>Immigration Status:</i> US-Born: US Documented immigrant: DI Undocumented immigrant: UI Declined to State: DS Other: O (and please specify)
						First lang. (if no or some Eng)	
						Has interpreter? If yes, adult?	

Is anyone in household disabled? If so, please indicate who and the nature of the disability:

PAYMENT

Initial Fee: \$ _____ Payment Terms: _____

DOCUMENTS PREPARED

Document	Initials	Date prepared	Document	Initials	Date prepared
.dat file			Form interrogatories		
.anx.txt file			Motion to quash		
Fee waiver			Motion to strike		
Fee waiver order			Demurrer		
Additional fee waiver			Stay request		
Additional fee waiver order			How did you find out about the EDC? <input type="checkbox"/> Friend/Relative <input type="checkbox"/> Agency _____ <input type="checkbox"/> Other		
Answer					
3i/jury demand/proof of service					

SERVICE OF SUMMONS & COMPLAINT

Service Date: _____ Response Due: _____

How did you receive the Summons and Complaint? (circle all methods that apply): By U.S. mail Posted/taped to door
 Handed to _____ by _____ Other _____

Wants Motion to Quash (if applicable)?: Yes No N/A

HOUSING TYPE Private housing LL=SFHA Project-based subsidy Tenant-based subsidy [What subsidy program? _____]

If private, was building constructed before 1979?: Yes No D/K

How many units in the building?: _____ Is your unit legal or illegal?: Legal Illegal D/K

Are there any other units on the property but not in the building?: Yes No D/K If yes, how many?: _____

If Plaintiff is individual, do you know him/her?: Yes No D/K Does landlord live in the unit with you?: Yes No

When did you first move into your home?: (Date) _____

*When was your unit last vacant?: (Date) _____ * Note: If appropriate, ask 6.14 questions.

Is anyone living there who the landlord/agent doesn't know about? Yes No Who? _____

RENTAL AGREEMENT

Was a written rental agreement signed?: Yes No D/K When? _____

By whom?: (list all parties, including LL/ Agent of LL) _____

Was a deposit paid?: Yes No D/K

If yes, how much?: \$ _____ Who paid? _____

Has the landlord paid interest on the deposit each year?: Yes No D/K Some years When last paid? _____

How much was the rent when you first moved in?: \$ _____ per _____ due on _____

How much is your current rent?: \$ _____ per _____ due on _____ When do you pay rent? _____

RENT PAYMENTS

How do you pay rent?: (circle all that apply) Check Cash Money Order/Cashier's check Other _____

Do you get receipts from landlord?: Yes No Sometimes Did you save them?: Yes No Some

Do you get money order receipts?: Yes No Have some Did you save them?: Yes No Some

Can you get your cancelled checks?: Yes No D/K

Rent History

Date						
Increase	\$	\$	\$	\$	\$	\$

If not sure of rent history, can you bring in notices of rent increase or other documents (such as receipts) to show date and amount of each rent increase?: Yes No D/K

Were you served a written 30-day notice of each rent increase(s)?: Yes No D/K

NOTICE TO QUIT

Before you got the summons, did you get any notice(s)?: Yes No D/K

How many notices did you receive?: _____ When did you receive it/them?: _____

How did you receive the notice(s)? (circle all that apply): Posted/taped to door

In mail Handed to _____ Other _____

What type(s) of notice(s) did you get? (if defendant(s) didn't get notice, what type was attached to complaint?):

3-day

10-day

14-day

30-day

60-day

90-day

What reason was given in the notice(s)? _____ If nonpayment, how much rent demanded?: _____

What is your response? Are any of the allegations true? (if OMI, why believe not true) (*Please be specific*): _____

If amount not correct, do you have proof of payment?: Yes No N/A

(Regardless of grounds for notice) How much rent is owed now?: _____ owed through _____

If any rent unpaid, why wasn't rent paid on time?: _____

(Regardless of grounds for notice) How much of the rent do you have saved right now?: _____

Could you get a money order for that right now?: Yes No D/K N/A

Can you get the balance?: Yes No D/K If so, when? _____

Can you pay the rent from now on?: Yes No D/K If so, how? _____

If you could stay in your home, would you like to?: Yes No D/K

3a. BREACH OF THE WARRANTY OF HABITABILITY (please circle those that apply and cross out those that do not):

infestation of rodents/cockroaches/insects defective plumbing roof leaks damp walls falling plaster/sheet rock
peeling paint cracks missing or defective smoke detectors unsafe stairways/railings defective electrical system
inadequate heat inadequate security holes in walls floors in disrepair
windows leak air/don't seal/don't open properly gaps around doors inadequate trash receptacles/collection
common areas unclean defective appliances no secure mail receptacle inadequate hot water

Other: _____

Did you ask the LL/Agent of LL to make repairs (*actual notice*)?: Yes No

Does or should the LL/Agent of LL know about the problems (*constructive notice*)?: Yes No

Were repairs made?: Yes No Explain, if necessary: _____

3b. REPAIR AND DEDUCT

Did you make or pay for repairs?: Yes No If yes, does LL/agent know?: Yes No D/K

Did LL/Agent give credit? Yes No Did you ask for credit? Yes No When? _____

How much money? \$ _____ Explain: _____

3c. TENDER OF RENT

Did you offer to pay any rent before expiration of notice which the LL/agent wouldn't accept or returned to you?:

Yes No If yes, when?: _____ Amount offered: \$ _____ Form and manner of tender: _____

3d. WAIVER

Did your LL/Agent of LL do anything to cancel or contradict the **notice upon which this action is based**, such as:

Say you could ignore it?: Yes No Explain, if necessary: _____

Tell you payment could be made after its expiration?: Yes No Explain, if necessary: _____

Tell you he/she would accept payment plan for amount demanded?: Yes No Explain, if necessary: _____

Give you another notice after it?: Yes No Explain, if necessary: _____

Say you could have more time?: Yes No Explain, if necessary: _____

Other: _____

3e. RETALIATION

Do you think the LL/agent is retaliating against you for asserting your rights as a tenant?: Yes No If yes, why?

For demanding repairs For calling inspectors For going to Rent Board Other _____

When did you call inspectors or go to Rent Board?: _____

3f. DISCRIMINATION

Do you think the LL/agent is discriminating against you?: Yes No If yes, on what basis? (*circle all that apply*):

Race sex national origin HIV status marital status sexual orientation

age occupation having children disability Other:

3g. RENT ORDINANCE

Does the LL/Agent of LL have some other reason for wanting to evict you?: Yes No

If yes, what? _____

Decrease in services/Illegal rent increase/Notice to quit doesn't comply with requirements

3h/3d. ACCEPTANCE OF RENT

Has the LL/agent accepted rent from you after the notice(s) to quit expired?: Yes No If yes, amount \$ _____

Rent for what period? _____ Form, date, and manner of payment _____

3i. OTHER

covenant of quiet enjoyment: Have you ever been harassed by the LL/agent of LL?: Yes No

Verbal harassment	Physical harassment	sexual harassment
Entry without notice	interferes with mail	interferes with guests

Do you have problems with any of the following on the property?: Yes No

Excessive noise	drug dealing	prostitution	abusive neighbors
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estoppel/laches/change of agreement/waiver of covenant(s) alleged to have been violated

Has the LL/agent ever:

Allowed you to pay rent late?: Yes No

Let you get behind in payments and get caught up?: Yes No

Let you breach the covenant *(if applicable)*?: Yes No Explain: _____

Served you with other notice(s)?: Yes No Explain: _____

Other: *Failure to perform obligations under rental agreement/Failure to state cause of action/Failure to comply with fair debt collection laws*

6.14 questions

If it looks like the landlord is claiming or might claim that the tenant is not an original tenant for purposes of rent increases under the Rent Ordinance, investigate further to see what arguments the landlord and tenant may have.

Start of the tenancy

Did you move in with someone who was already living there?

When was the unit last vacant?

Was it vacant when you moved in?

Did you take over the unit from another tenant, rather than having the landlord rent the unit out?

Do any of the original people still live there?

If any of the original tenants still live there, the unit shouldn't be exempt due to 6.14 issues. If they aren't still there, we need to investigate further.

Current tenants' situation

Does the landlord know you live there?

Did you make any agreement directly with the landlord? Oral? Written? Do you have a copy?

Do you or the landlord do anything that might be construed to imply a direct contractual relationship with the landlord?

Did you pay the landlord directly on your own behalf for rent at that apartment?

{Note: acceptance of rent alone is not enough.}

Do you negotiate with the landlord regarding issues at the building?

Does the landlord send rent increase notices to you?

Did the tenant who had a direct contractual relationship with the landlord ever tell the landlord in writing that you were there? Ever mention your name in writing? Did the landlord accept rent after that? From you?

Did you ever get a 6.14 notice? A notice telling you that when all of the original tenants move out the landlord can raise the rent? If so, how soon after the landlord/agent knew you were there did they send it? How soon after being told in writing by a tenant with a direct contractual relationship with the landlord? How soon after the landlord got notice that the last original tenant was moving out?

Some exceptions to the 6.14/Costa-Hawkins original tenant vacancy decontrol rule

long-term tenant and no timely (within 60 days) 6.14 notice

shorter term tenant with direct contractual relationship with the landlord and no timely (within 90 days) 6.14 notice

shorter term subtenant and waiver of right to raise the rent

e.g., by accepting rent after being told by a tenant party to the rental agreement that the subtenant is there and no 6.14 notice within 90 days

original tenant moves out and the landlord doesn't raise the rent or reserve the right to raise the rent within 90 days

original tenant moves out due to 30/60 day notice from the landlord

long-standing code violations, cited by the City (usually DBI, occasionally DPH or the fire dept.)